

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MEADOWBROOK MEAT COMPANY, INC.,
Plaintiff

V.

PHOENIX PARTNERS LP, PHOENIX PART-
NERS CORP., JOSEPH DEL VALLE, ET AL.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 5979

JUDGE KRAM

TO: (Name and address of Defendant)

SEE ATTACHED SERVICE LIST

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

JUN 25 2007

J. MICHAEL McMAHON

CLERK

Manos Quintero

DATE

(By) DEPUTY CLERK

Service List

| | |
|------------------------------------|--|
| Phoenix Partners LP | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Phoenix Partners Corp. | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Joseph Del Valle | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Michael Carstens | 425 E. 58th Street, New York, New York 10022 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Michael Growney | 205 Foss Drive, Upper Nyack, New York 10960 |
| Donna Del Valle | 1839 Celeste Drive, Wall, New Jersey 07719 |
| Vanquish Acquisition Partners, LLC | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| CDG Enterprises | 590 Madison Avenue, 21st Floor, New York, New York 10021 |
| Southeast Cruise Holdings, LLC | 590 Madison Avenue, 21st Floor, New York, New York 10021 |



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MEADOWBROOK MEAT COMPANY, INC.,

Plaintiff(s),

JUDGE KRAM

Index No. 07 CIV. 5979

-against-

AFFIDAVIT OF SERVICE

**PHOENIX PARTNERS LP, PHOENIX PART-
NERS CORP., JOSEPH DEL VALLE, ET AL.,**

Defendant(s).

-----X
STATE OF NEW YORK)

S.S.:

COUNTY OF NEW YORK)

OTIS OSBORNE, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and is employed by the attorney service, DLS, INC.

That on the 25th day of June 2007, at approximately the time of 1:10 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT JURY TRIAL DEMANDED, RULES FOR ATTORNEYS, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN, CRITICAL INSTRUCTIONS TO ATTORNEYS AND 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL** upon Joseph Del Valle at 590 Madison Avenue, 21st Floor, New York, NY 10021, by personally delivering and leaving the same with John Melidones, Director of Security, a person of suitable age and discretion at that address, the actual place of business. At the time of service, deponent asked if Joseph Del Valle is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

John Melidones is a white male, approximately 45 years of age, stands approximately 6 feet 3 inches tall, and weighs approximately 230 pounds with balding black hair and brown eyes.

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and Process Service Company

That on the 26th day of June 2007, deponent enclosed a copy of same by first class mail post paid envelope properly addressed to Joseph Del Valle at 590 Madison Avenue, 21st Floor, New York, NY 10021, in an official depository under the exclusive care and custody of the U. S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

OTIS OSBORNE #870139Sworn to before me this
27th day of June, 2007
NOTARY PUBLICJONATHAN T. RIPPS
Notary Public, State of New York
NO. 01R16109718Qualified in Rockland County
Certificate Filed in New York County
Commission Expires May 17, 2008